

REMARKS

The present Amendment amends claims 2-4, 6-8, 10-15, 17-19 and 21-23 and leaves claims 5 and 9 unchanged. Therefore, the present application has pending claims 2-19 and 21-23.

Claims 2-19 and 21-23 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-5 of prior patent No. 6,633,571. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 2-19 and 21-23 are taught or suggested by claims 1-5 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claims 2-19 and 21-23 stand rejected under 35 USC §103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,035,105) in view of Chen (U.S. Patent No. 6,392,997). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 2-19 and 21-23 are not taught or suggested by McCloghrie or Chen whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to claims 2-19 and 21-23 to more clearly describe features of the present invention not taught or suggested by any of the references of record whether taken individually or in combination with each other.

Particularly, amendments were made to claims 2-19 and 21-23 to more clearly recite that the present invention provides a packet communication apparatus and method for transmitting a packet from a first network to a second network, wherein the packet includes a destination internet protocol (IP) address, and a first Virtual Private Network (VPN) identifier used to compose a first VPN in the first network. According to the present invention the packet communication apparatus includes a packet generating unit which generates a second VPN identifier used to compose a second VPN in the second network based on the destination IP address and the first VPN identifier, and a transmitter which transmits a packet having added thereto the second VPN identifier. According to the present invention the first and second networks are networks that implement the IP.

The unique features of the present invention, for example, as recited in each of the claims are generating the second VPN identifier based on a destination IP address and a first VPN identifier. Using these features the present invention is able to implement VPN interworking, for example, as described on page 6, lines 22-23 of the present application.

The above described features of the present invention are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the

present invention as now more clearly recited in the claims are not taught or suggested by McCloghrie or Chen.

McCloghrie discloses local area network (LAN) switch interworking between virtual local area networks (VLAN's) by using a VLAN management identifier (ID) (see McCloghrie's spec. col. 4 line 62 – col. 5 line 4).

Chen discloses interconnected IP networks that route packets based on an IP address (see Chen's spec. col. 4 line 25-31 and col. 5 lines 2-13).

McCloghrie discloses VLAN technology which identifies the outgoing tag by using only database 205, wherein the database includes only correspondence information of VLAN management IDs (specific Layer 2 information) of different VLANs (see McCloghrie's spec. col. 4 line 62 - col. 5 line 4). However, Chen discloses basic IP routing technology which identifies the outgoing port based on IP address (typical Layer 3 information) which is well known as basic "routing" (see Chen's spec. col. 4 line 25-31, col. 5 line 2-13).

Thus, each of McCloghrie and Chen identifies the destination of data by using only Layer 2 or Layer 3 information, and each information is sufficient for each technology to transmit data. Furthermore, IP routing as taught by Chen is a basic technology for IP network interworking, and VLAN is an enhanced technology that allows a network to identify the destination of data without Layer 3 information (see McCloghrie's VLAN management IDs table 205). Therefore, considering the objective and intent of these different technologies, there is neither motivation nor suggestion for combining basic IP technology and enhanced VLAN technology in the manner suggested by the Examiner in the Office Action. In fact, these different technologies teach away

from each other and as such cannot be easily combined in the manner suggested by the Examiner in the Office Action.

Accordingly, Applicants again hereby submit that McCloghrie cannot be combined with Chen in the manner suggested by the Examiner in the Office Action.

However, even if McCloghrie is combined with Chen in the manner suggested by the Examiner in the Office Action, the combination still does not teach or suggest any unit and any step for generating the second VPN identifier based on the destination IP address and the first VPN identifier as in the present invention as recited in the claims.

McCloghrie only teaches a VLAN management ID table 205 the use of which by the switch determines the outgoing VLAN management ID (= VLAN tag) based on only incoming VLAN management ID, whereas Chen only teaches basic IP routing technology in which the router determines the destination based on only destination IP address.

Thus, both McCloghrie and Chen fail to teach or suggest a packet generating unit which generates a second VPN identifier used to compose a second VPN in the second network based on the destination IP address and the first VPN identifier as recited the claims.

Further, both McCloghrie and Chen fail to teach or suggest a transmitter which transmits a packet having added thereto the second VPN identifier wherein the first and second networks are networks implement the internet protocol (IP) as recited in the claims.

Therefore, since both McCloghrie and Chen suffer from the same deficiencies relative to the features of the present invention as recited in the

claims, combining McCloghrie and Chen in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 2-19 and 21-23 as being unpatentable over McCloghrie in view of Chen is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 2-12.

In view of the foregoing amendments and remarks, applicants submit that claims 2-19 and 21-23 are in condition for allowance. Accordingly, early allowance of claims 2-19 and 21-23 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.37526CX1).

Respectfully submitted,

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